(1)

CLASS B

App. F IX—4

Previous References.

1857

File No. AFD 13

Serial Nos. DFT 57

A.T.F. Dept

forest

Later References.

THE MYSORE GOVERNMENT SECRETARIAT

Serial Nos.

Dis forestment of

Part B for

SUBJECT

Forest 9/8/56 28/11/57

for Under Secretary to Govt.

WD P09293—GPB—2,00,000—1-5-61

4 7/4/94

ಇಂದುಶೇಖರ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿ
ಶಾಸ್ತ್ರ ಇಲಾಖೆ (ಅರಣ್ಯ-ಬಿ)

Cu 1

2004—5,00,000—9-52—K2*
[G.R., G.D., No. 2408, dated 22-6-22.]

29/16/10 206 (2)

Std. Sectt. 78 e.

Correspondence

DOCKET SHEET AFD BDF757

84879

Subject :— Disforestment & grant of Forest Land in Siddapur taluka

File No. FLD 1256/74826

A&F DEPT.

E BRANCH.

References :—

Enclosure

AFD / E

May be transfered to Mysore Govt for further action

R Supdt.

Date.	To whom sent.	Notes and instructions
1/8/52	Case	Pl. issue v.o.r. to RD/FD and remind on 20/8/52 with case pps.
6/8/52	R (with case pps)	Pl. issue reminder to A&FD.
13/8	Rey	Pl issue letter to FD with case pps & remind on 1/9
30.8.52	Rey.	Pl return to A&FD. with case pps
12/9/52	Rey	Pl issue letter with accompts & return
17/9/52	Typist	Pl type 3 copies of letter
17/9/52	Case	Pl put up on 17/10/52
6/10/52	Rey	Pl issue letter to RD/FD with case pps & remind on 6/11/52
18/11/52	R (with case pps)	Pl. issue reminder to F.D.
22/12/52	Rey	Pl send to A&FD with case pps
25/10	"	Pl. trans. to Mysore govt.

(3)
A & F.D.
E

S. No. 74826.

1) In the circumstances explained by the Collr. of Kanara, in his letter, d 5/7/56, sanction to the disforestment of an area of 0-5-0 out of F.S. No. 53 of Kyadgi and to its grant to Shri M.B. Naik Hanumane of Kyadgi, on the terms and conditions mentioned by the Collr., may be accorded.

2) The appended draft letter and endt. may issue after U.O.R. to R.D./F.D.

31/7

REVENUE DEPARTMENT
File No.
2 AUG 1956
Serial No. S.A.

31/7/56

x P3/c

26)

x with case pps.

D.M.(F.) - after U.O.R.

R.D.

U.O.R. to R.D. d 1/8/56.

RDP

(4)

3) Submitted with ref. to 2e. cr. dt 1.8.56 from the A/F.D. (overleaf).

2. The collr has proposed that an area of 5 guinthas encroached upon by Shri Marya Bashya Naik who is a B.C. person may be granted to him for purposes of a house. According to the standard prescribed in G.K. D.D. No 230, dt. 24-11-49 (Coop. Housing Societies for B.Cs) an area of 3 guinthas for a B.C. family engaged in agricultural and 1½ guinthas for a B.C. family engaged

(5)

in non-agrl. purposes is considered to be adequate; while according to G.R. No 6216/33, dt. 6-10-37 an area of 2 guinthas should be enough. In the present case the area proposed to be granted to the encroacher (4.5 guinthas) seems to be excessive.

4) 3. The Coll. has in his letter proposed to levy a penal O.P. of Rs. 25/- as per G.R. A&FD. No FDM 1054 dt. 7-3-55 (para 7). Pend. para 7 of this G.R. specifies the penal O.P. for granting lands encroached for cultivation, whereas in the present case the encroachment is for N.A. purpose. The Coll. will have to charge proper penal O.P. by following the principles of G.R. No. 3297/45, dt. 17-5-1950.

5) 4. With above remarks, the papers may be returned n.o. to the A&FD

41856

D/S. 6/8

Q.o.r to A&FD (with case file). 6/8

AGRICULTURE & FOREST DEPT.
Date of Receipt (22)
- 9 AUG 1956
File No. FLD 1256
Serial No. 84879

PTO

(6)

4

A&FD-E hr

Sr. No. 84879

These PPs were to be returned to this Deptt. through the F.D. which may see U.O. first

11.8.56

11/8/56

U.O. to F.D. dt 13-8-56. * with case PPs

/. case pps

FINANCE DEPARTMENT
File No. IV 13/8/1956
Serial No. 136911

F.D IV

The A&F.D. proposal may be agreed to subject to the remarks made by the R.D. overleaf

RDB 30.8

27/8/56

28/8/56

U.O. to A&F.D. dt 30.8.56 with case pps

AGRICULTURE & FOREST DEPT.
Date of Receipt 31 AUG
File No. F.D. 1256
E. 91380

31/8

A&F.D-E hr

The Coll. of Kanara may be asked to reconsider his proposal in the light of the observations made in the R.D.'s note concurred in by the F.D. & to submit revised proposals in the matter accordingly. The appended letter may issue.

* P2-3 N/S

✓ P.5 C/D

11/9/56

12/9

S.A.

4797 (7)

A&B ACFD - Elsr

Sr. No. 110968

9) In view of the position now explained by the Coll. of Kanara in his present letter, the RD & the FD may be requested to agree to the issue of draft orders at page 3 c/s as previously proposed

5-10-56

10) 5/10

DM (Forests) } abtcs LWR

REVENUE DEPARTMENT
File No.
-8 OCT 1956
Serial No.

61)

9/10 with Case PB

U.O. to R.D / FD 6-10-56

R. & P.

In villages generally land measuring 2 to 3 gunthas is granted for residential purposes. The A & F.D. may consider this point before issue of the proposed draft orders.

16/10/56

16/10 D.S.

FINANCE DEPARTMENT
File No. IV
19 OCT. 1956
Serial No. 46182

/ case file

F.D.

Sec o.r. to ~~A&F.D.~~ (with case file.)

22/9/10

F.D. IV

The A & F.D. may be requested to consider the above remarks in the first instance.

22/10/56.

AGRICULTURE & FORESTS
Date of Receipt (1)
25 OCT 1956
File No. FLD 1256
Serial No. 117480

25/10

RDJ 22.10

Vide to A&F.D. dt 22/10/56 with the case pps.

This may be transferred to Mysore Govt..

for necy action

25/10.

supt'd. 25/10.

14.) Please see page 145 CF approving the proposal to disforest an area of 5 guntas out of F.S. No 53 of Kyadgi in Siddapur Tq, etc and dft notification was called for therein.

15.) In page 147 CF, Collector invites refce to his letter d 18-12-86 This is not available in the file.

RFD13DFT 57 (10)

This will be called for along with dft notification therein. Dft letter to collector is put up for consideration.

30/3

E.O. Public

1.4.57

(16) Issue

(15)

Letter issued dated 5-4-57 to the collector of North Kanara Karwar

Sus

19/4

A·FD·13 DF-I 57

(11)

Mysore Government Secretariat

File No. of 195 . [App. F. III 2

Serial No.

Letter No S. 105/6/449 d 12-4-57 from the Collector of Kanara requesting to send a copy of his letter d 6-10-56 and the case papers for submitting dft notification.

17) pages 151 to 153 are for perusal. The dft order at page 145 c.c.7 may be issued after appl by the Minister for Agriculture. The case papers submitted in his letter to and the letter d 6-10-56 S. 105/6/449 d 25-9-56 will be sent to the Collector of Kanara for submitting dft notification through the C.C.7 for consideration of Govt. for orders.

AD 29/4

'A' on page 3 ante may be incorporated in the draft orders.

S.V. Prabhu
3.5.57

The order at page 145 c.p. is for perusal before issue.

D.S.

Minister 4/5

(Min. Agri) 8/5

Aug 29/4

Financial department for communication

14.5.57

RSR. 14/5

Note.—Contn. Sheet

OFFICE OF THE MINISTER FOR AGRICULTURE
No. 1691
6 MAY 1957
BANGALORE

P1436

File No. of 195 .

Mysore Government Secretariat

Serial No.

Financial concurrence from F.D. (Mysore State) has not been obtained.

14/5

Commn No. 1621.

15/5

16/5

Issue

16/8/57

Issued

17/5

Issued on 14-5-57

Sus 22/5

May be closed as 'B'

28/11/4

28/4

B 2

Correspondence Section

(14) 1391

Letter

To

The Secretary to Government,
Agriculture & Forests Department,
Bombay.

AGRICULTURE & FOREST DEPT.
Date of Receipt 10 JUL 1956
File No. FLD1257
Serial No. 8 7456

No.S 105/6/449 Karwar, 5-7-1956.

Subject: Disforestment of an area of 5 gunthas out of F.S.No.53 of Kyadgi in Siddapur taluka.

Case recd in Ctr on 16-7

The applicant Shri Marya Bashya Naik Handimane of Kyadgi village requests for grant of an area of 0-5-0 G. out of F.S.No.53 of Kyadgi in Siddapur taluka on disforestment. The applicant has already encroached upon this area by constructing his residential house.

2. During the enquiry it has transpired that the applicant has expended an amount of Rs.600/- for constructing this house and that no suitable area was available in the lands held by the applicant — encroacher for constructing his residential house (Divisional Forest Officer, Working Plan's endorsement No.C/XI/863 of 1954-55 dated 22-11-1954 at page 49). The Conservator of Forests, S.C., Belgaum has no objection to regularise the encroachment and grant the area of 0-5-0 G. to the encroacher in view of para 3 of G.R., A.& F.D.No.FDM 1054 dated 7-3-1955. He has also stated that the encroacher is a houseless person(Conservator's endorsement No.22/364/65 of ~~1956~~ 1956-57 dated 3-4-1956 at page 99).

3. The applicant belongs to Backward Class being Namdhari by caste. The area proposed for grant is only 0-5-0 G. and it will be a fragment if granted for agricultural purpose. The applicant does not hold any land adjoining this area so that he could resign it and to take it along with the encroached area proposed for disforestment. The area is, therefore, to be granted after disforestment as non-agricultural

P.T.O.

140

plot. Non-agricultural assessment will be fixed in the case under rule 81 Land Revenue Rules as soon as the area is ordered to be granted.

4. Under these circumstances, the area of 0-5-0 out of F.S.No.53 of Kyadgi in Siddapur taluka encroached upon may be granted on disforestment to the applicant in view of the orders contained in G.R., A.& F.D.No.FDM 1054 dated 7-3-1955 subject to the following terms and conditions.

1. The tenure shall be new and impartible.
2. The grantee shall pay the penal occupancy price of Rs.25/- as per para 7 of G.R.A.& F.D. No.FDM 1054 of 7-3-1955.
3. The grantee shall pay the usual measurement fees to be charged by the Survey Department.
4. The grantee shall preserve the tree growth if any in the area till disposed of by the Forest Department.
5. The grantee shall reserve the public rights if any, in the land.
6. The area should be used only for residential purpose.
7. The grantee should pay the non-agricultural assessment fixed for the village according to the existing rules.
8. The building conditions should strictly be followed at the time of reconstruction of the present house.
9. The grantee shall execute the kabulayat in form 'H' embodying the above mentioned additional conditions.

For breach of ~~x~~ any of the conditions, ~~xx~~ the grant shall be liable for cancellation without any notice to the grantee.

o.c.signed
by Collr.

for Collector of Kanara.

P.A.

5/7

By Regd Post

5

Letter.

(18) 141

To

The Collr. of Kanara.

No. FLD 1250/74826-E. Bombay, 13th Septr. 1956.

x p. 10/2

Reference your letter, No. S.105/6/49, dated the 5th July 1956, reg. disforestment of an area of 5 gunthas out of F.S.No.53 of Kyadgi in Siddapur taluka.

~~In your letter~~ You have proposed that an area of 5 gunthas encroached upon by Shri Marya Bashya Naik, who is a backward class person may be granted to him for purposes of a house. But according to the standard prescribed in G.R., R.D., No.230, dated 24-11-49 (Coop. Housing Societies for B.C.) an area of 3 gunthas for a backward class family engaged in agricultural and 1½ gunthas for a B.C. family engaged in non-agrl. pursuits is considered to be adequate. While according to G.R., R.D., No.6216/33, dated 6-10-37, an area of 2 gunthas should be enough. In the present case the area proposed to be granted to the encroacher (i.e. 5 gunthas) seems to be excessive. We, therefore, suggest revised area in the light of the above orders.

2. ~~In your letter~~ You have proposed to levy a penal o.p. of Rs. 25/- as per G.R., R. and F.D., No. FLD1054, dated 7-3-55. But para. 7 of this G.R. specified the penal o.p. for granting lands encroached for cultivation, whereas in the present case the encroachment is for N.A. purpose. He will therefore have to be charged in accordance with the principles laid down in G.R., R.D., No.3297/45, dated 17-5-50.

3. You are requested to submit to Govt. revised proposals in the light of the above remarks.

4. The case pps. are returned herewith.

By order, etc.,

A.S. to Govt.

Accompaniment :- Case papers.

ISSUED

14/9

13/9

13/9

18-9-56

(17) 143

Letter

To

The Secretary to Government,
Agriculture & Forests Department,
Bombay.

AGRICULTURE & FOREST DEPT.
Date of Receipt (19)
29 SEP 1956
File No. FLD 1256
Serial No. E 110968

No.S 105/6/449 Karwar, 15-9-1956.

Subject: Disforestment of an area of 5 gunthas out of F.S.No.53 of Kyadgi village in Siddapur taluka.

Reference: Govt.letter, A.& F.D.No.FLD 1256/74826-E dated 13th September 1956.

In submitting herewith the case papers received under Government letter referred to above, I have to state as under:

It appears that the orders contained in Government Resolution, Development Department No. 230 dated 24-11-1949 and Govt.Resolution, Revenue Department No.6216/33 dated 6-10-1937 do not apply to cases of encroachments on forest land for which Government have issued special orders namely in Govt.Resolution, Agriculture & Forests Dept. No.F.D.M.1054 dated 7th March 1955. Further in para 3 of the G.R. dated 7-3-1955, Government have specifically laid down that the encroachments made for the purpose of building residential houses by houseless persons in the forest land may be regularised by a grant. In the present case, the site covering 5 gunthas was already encroached upon by the applicant who is a houseless person for the purpose of residential house. Proposals for regularising the said encroachment by Govt. have, therefore, been submitted in view of the orders contained in Govt.Resolution, Agriculture and Forests Department No.F.D.M.1054 dated 7-3-1955 as explained under this office letter even number dated 5-7-1956.

As regards the levy of penal occupancy price

P.T.O.

144

(18)

of Rs.25/- in this case, I have to state that para 7 of the G.R., A.& F.D.No.F.D.M.1054 dated 7-3-1955 applies both to encroachments for cultivation and also in respect of cases mentioned in para 3 of the said Government Resolution. In the present case, the encroached land has been utilised for the purpose of building a residential house by a houseless person and therefore, this case is governed by para 3 of the said G.R. Apparently, therefore, the penal occupancy price at Rs.5/- per guntha will have to be charged as Government have issued special orders for regularisation of encroachments of this type.

The principles laid down in G.R.R.D.No.3297/45 dated 17-5-1950 are also not applicable to this case which is governed by the special orders of Govt. issued under G.R., A.& F.D.No.F.D.M.1054 dated 7-3-1956.

Necessary orders may, therefore, kindly be issued in this case.

O.C.signed
by Collr.

P.A.
for Collector of Kanara.

P S N/S

25/9

By Regd post. A/D

Letter (19) 145

To

14.5.57

The Collr. of Kanara.

No. FLD1256/110968/E ~~74876E~~ Bombay, ~~July~~ Oct 1956 ~~Sept 1956~~

Reference your letters, No. S10516/449, dt. 5/7/56 and dt 25-9-56 with enclosures, regd. disforestment of an area of 5 gunthas out of F.S. No 53 of Kyadgi in Siddapur Taluka.

Your proposal to disforest an area of 0-5-0 (A. C. A.) out of F.S. No. 53 of Kyadgi in Siddapur taluka and to grant it to Shri Manya Bashya Naik Haindimane of Kyadgi village, on the terms and conditions mentioned in your letter, under reference, is approved. The occupancy price of the charged land, shall hereunder be in accordance with the principles mentioned in G.R. No. RD 3297/45 dated 17.5.1956.

2. The requisite draft Notification ~~for publication in the B.G.G.~~ should be submitted to Government, through the ~~C.C.F.~~ C.C.F. Mysore, in due course, for publication in the ~~M.G.G.~~ Mysore Gazette.

3. The case pps. are returned herewith.

Issued 20.5.57

By order, etc.

by c/s
A.S. to Govt.,
A & FD

Accompaniment :- Case pps.

Copies, with copies of the Collr's letters under reference, forwarded to :-

the C.C.F., ~~Mysore~~ Mysore Bangalore,
the A.C. (Wise. Deptt.) (Thro' the F.D.),
the F.D.,
the R.D.

with U.O. Stamps

(20)

A7D 12N 4

20 FEB 1957

Letter

To

The Secretary to Government,
Agriculture and Forest Department,
Mysore State, Bangalore.

No.S 105/6/449 Karwar, 16-2-1957.

Subject: Disforestment of an area of 5 gunthas out of F.S.No.53 of Kyadgi in Siddapur taluka, District:N. Kanara.

Reference: This office letter No.S 105/6/449 dated 19-12-1956.

Early orders of Government may please be obtained.

P.A.
for Collector of Kanara.

S

E 1

20/4/7

16/2

M. G. S. App. F. G. 3]

MYSORE GOVERNMENT

SECRETARIAT.

(*Continuation sheet draft form*).

Sub: Deforestment of an area of 5 guntas out of F.S. No 53 of Hyadgi in Siddapur taluka AFD.13.DFT 57 5.4.57.

To the collector of North Kanara Karwar

Sir,

Ref: your letter No S. 105/6/H49 d 19-12-56

I am directed to request you to send the above refce (in acks) along with the dft notification called for in Bombay Govt letter No FLD 1256/11-0968/E d 6-10-56.

An early reply is requested.

By order

WD 0258—GPB—PZS-1,20,000—1-7-55.

Letter

AFD 2686

To

The Secretary to Government
of Mysore State,
Agriculture and Forests Department,
Bangalore.

MYSORE SECRETARIAT
NO
16 APR 1957
ANIMAL HUSBANDARY & FOREST BRANCH

SECRETARIAT
No.....
16 APR 1957
HOME, FOREST & AGRICULTURE

No.S 105/6/449 Karwar, 12-4-1957.

Subject: Disforestment of an area of 5 gunthas out of F.S.No.53 of Kyadgi village in Siddapur taluka.

Reference: Govt.letter No.AFD.13 D.F.T.57 dated 5-4-1957.

A copy of this office letter No.S 105/6/449 dated 19-12-1956 is sent herewith as directed in the above quoted Government letter.

Bombay Government letter No.FLD 1256/110968-E dated 6-10-1956 or the correspondence sent to the Government of Bombay under this office letter No.S 105/6/449 dated 25-9-1956 has not so far been received in this office. A copy of the Bombay Government's letter dated 6-10-1956 and the papers of the case may please be sent to me if I am required to submit a draft notification.

Transferred to Shri S.L.Patil on 27/4/57

P.A.
for Collector of Kanara.

12/4

Letter

To

The Secretary to Government,
Agriculture & Forests Department,
Mysore State, Bangalore.

No.S 105/6/449 Karwar, 19-12-1956.

Subject: Disforestment of an area of 5 gunthas out of F.S.No.53 of Kyadgi in Siddapur taluka, district N.Kanara.

Reference: This office letter No.S 105/6/449 dated 25-9-1956 addressed to the Govt. of Bombay in A.& F.D. with reference to Bombay Govt.letter, A.& F.D.No. FLD 1256/74826-E of 13-9-1956.

Early orders of Government may please be obtained.

Sd/ G.D.Channalli
P.A.
for Collector of Kanara.

True copy
19/12

Copy of letter No. S.105/6/449 dated 25-9-56 from the Collector of Kanara to the Secretary to Government , Agri. & Forest Deptt. Bombay.

--

Subject: Disforestment of an area of 5 guntas out of F.S. No. 53 of Kyadgi village in Siddapur Taluka.

--

Reference: Govt. letter A & FD No. FLD 1256/74826-E dated 13th September 1956.

--

In submitting herewith the case papers received under Government letter referred to above, I have to state as under:

It appears that the orders contained in Government Resolution Development Department No. 230 dated 24-11-1949 and Govt. Resolution, Revenue Department No. 6216/33 dated 6-10-1937 do not apply to cases of encroachment on forest land for which Government have issued special orders namely in Govt. Resolution, Agriculture & Forests Dept. No. FDM 1054 dated 7th March 1955. Further in para 3 of the G.R. dated 7-3-1955, Government have specifically laid down that the encroachments made for the purpose of building residential houses by houseless persons in the forest land may be regularised by a grant. In the present case, the site covering 5 guntas was already encroached upon by the applicant who is a houseless person for the purpose of residential house, Proposals for regularising the said encroachment by Government have, therefore, been submitted in view of the orders contained in Govt. Resolution, Agriculture and Forests Department No. FDM 1054 dated 7-3-1955, as explained under this office letter even number dated 5-7-1956.

As regards the levy of penal occupancy price of Rs. 25/- in this case, I have to state that para 7 of the G.R. A & F.D. No.F.D.M. 1054 dated 7-3-1955 applies both to encroachment for cultivation and also in respect of cases mentioned in para 3 of of the said Government Resolution. In the present case, the encroached land has been utilised for the purpose of building a residential house by a houseless person and therefore, this case is governed by para 3 of the said G.R. Apparently, therefore, the penal occupancy price at Rs. 5/- per gunta will have to be charged as Government have issued special orders for regularisation of encroachments of this type.

The principles laid down in G.R.R.D. No. 3297/45 dated 17-5-1950 are also not applicable to this case which is governed by the special orders of Govt. issued under G.R. A & F.D. No. F.D.M. 1054 dated 7-3-1956.

Necessary orders may, therefore, kindly be issued in this case.

"Copy"

By order

K.S. Ramachandra

Superintendent,
Forest & Animal Husbandry Branch.

rln.

14/9/57

Copy of letter No. ..105/6/449 dated 5-7-56 from the Collector of Kanara to the Secretary to Government, Agri. & Forest Dept. Bombay.

Subject: Disforestment of an area of 5 guntas out of F.S.No.53 of Kyadgi in Siddapur Taluka.

The applicant Shri Marya Bashya Naik Handimane of Kyadgi Village request for grant of an area of 5 guntas out of F.S. No. 53 of Kyadgi in Siddapur taluka on disforestment. The applicant has already encroached upon this area by constructing his residential house.

2. During the enquiry it has transpired that the applicant has expended an amount of Rs. 600/- for constructing this house and that no suitable area was available in the lands held by the applicant - encroacher for constructing his residential house (Divisional Forest Officer, Working Plan's endorsement No. C/XI/863 of 1954-55 dated 22-11-1954 at page 49). The Conservator of Forests, S.C., Belgaum has no objection to regularise the encroachment and grant the area of 5 guntas to the encroacher in view of para 3 of G.R., A & F.D. No. FDM 1054 dated 7-3-1955. He has also stated that the encroacher is a houseless person(Conservator's endorsement No. 22/364/65 of 1956-57 dated 3-4-1956 at page 99).

3. The applicant belongs to Backward Class being Namdhari by caste. The area proposed for grant is only 0-5-0 guntas and it will be a fragment if granted for agricultural purpose. The applicant does not hold any land adjoining this area so that he could resign it and to take it along with the encroached area proposed for disforestment. The area is, therefore, to be granted after disforestment as non-agricultural plot. Non-agricultural assessment will be fixed in the case under rule 81 Land Revenue Rules as soon as the area is ordered to be granted.

4. Under these circumstances, the area of 0-5-0 out of F.S. No. 53 of Kyadgi in Siddapur taluka encroached upon may be granted on disforestment to the applicant in view of the orders contained in G.R., A & F.D. No. FDM 1054 dated 7-3-1955 subject to the following terms and conditions.

1. The tenure shall be new and impartible.
2. The grantee shall pay the penal occupancy price of Rs. 25/- as per para 7 of G.R.A & F.D. No. FDM 1054 of 7-3-1955.
3. The grantee shall pay the usual measurement fees to be charges by the Survey Department.
4. The grantee shall preserve the tree growth if any in the area till disposed of by the Forest Department.
5. The grantee shall reserve the public rights if any, in the land.
6. The area should be used only for residential purpose.
7. The grantee should pay the non-agricultural assessment fixed for the village according to the existing rules.
8. The building conditions should strictly be followed at the time of reconstruction of the present house.
9. The grantee shall execute the Kabulayat in form 'H' embodying the above mentioned additional conditions.

For breach of any of the conditions, the grant shall be liable for cancellation without any notice to the grantee.

---

p.t.o.

Copy of letter No. S.105/6/449 dated 25-9-56 from the Collector of Kanara to the Secretary to Government , Agri. & Forest Deptt. Bombay.

--

Subject: Disforestment of an area of 5 guntas out of F.S. No. 53 of Kyadgi village in Siddapur Taluka.

--

Reference: Govt. letter A & FD No. FLD 1256/74826-E dated 13th September 1956.

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In submitting herewith the case papers received under Government letter referred to above, I have to state as under:

It appears that the orders contained in Government Resolution Development Department No. 230 dated 24-11-1949 and Govt. Resolution, Revenue Department No. 6216/33 dated 6-10-1937 do not apply to cases of encroachment on forest land for which Government have issued special orders namely in Govt. Resolution, Agriculture & Forests Dept. No. FDM 1054 dated 7th March 1955. Further in para 3 of the G.R. dated 7-3-1955, Government have specifically laid down that the encroachments made for the purpose of building residential houses by houseless persons in the forest land may be regularised by a grant. In the present case, the site covering 5 guntas was already encroached upon by the applicant who is a houseless person for the purpose of residential house, Proposals for regularising the said encroachment by Government have, therefore, been submitted in view of the orders contained in Govt. Resolution, Agriculture and Forests Department No. FDM 1054 dated 7-3-1955, as explained under this office letter even number dated 5-7-1956.

As regards the levy of penal occupancy price of Rs. 25/- in this case, I have to state that para 7 of the G.R. A & F.D. No.F.D.M. 1054 dated 7-3-1955 applies both to encroachment for cultivation and also in respect of cases mentioned in para 3 of of the said Government Resolution. In the present case, the encroached - land has been utilised for the purpose of building a residential house by a houseless person and therefore, this case is governed by para 3 of the said G.R. Apparently, therefore, the penal occupancy price at Rs. 5/- per gunta will have to be charged as Government have issued special orders for regularisation of encroachments of this type.

The principles laid down in G.R.R.D. No. 3297/45 dated 17-5-1950 are also not applicable to this case which is governed by the special orders of Govt. issued under G.R. A & F.D. No. F.D.M. 1054 dated 7-3-1956.

Necessary orders may, therefore, kindly be issued in this case.

"Copy"

By order

R. S. Ramarao

Superintendent, 20/5

Forest & Animal Husbandry Branch.

rln.

14/5/57

(25)

Copy of letter No. .105/6/449 dated 5-7-56 from the Collector of Kanara to the Secretary to Government, Agri. & Forest Dept. Bombay.

Subject: Disforestment of an area of 5 guntas out of F.S.No.53 of Kyadgi in Siddapur Taluka.

The applicant Shri Marya Bashya Naik Bandimane of Kyadgi Village Request for grant of an area of 5 guntas out of F.S. No. 53 of Kyadgi in Siddapur taluka on disforestment. The applicant has already encroached upon this area by constructing his residential house.

2. During the enquiry it has transpired that the applicant has expended an amount of Rs. 600/- for constructing this house and that no suitable area was available in the lands held by the applicant encroacher for constructing his residential house (Divisional Forest Officer, Working Plan's endorsement No. C/XI/863 of 1954-55 dated 22-11-1954 at page 49). The Conservator of Forests, S.C., Belgaum has no objection to regularise the encroachment and grant the area of 5 guntas to the encroacher in view of para 3 of G.R., A & F.D. No. FDM 1054 dated 7-3-1955. He has also stated that the encroacher is a houseless person(Conservator's endorsement No. 22/364/65 of 1956-57 dated 3-4-1956 at page 99).

3. The applicant belongs to Backward Class being Namdhari by caste. The area proposed for grant is only 0-5-0 guntas and it will be a fragment if granted for agricultural purpose. The applicant does not hold any land adjoining this area so that he could resign it and to take it along with the encroached area proposed for disforestment. The area is, therefore, to be granted after disforestment as non-agricultural plot. Non-agricultural assessment will be fixed in the case under rule 81 Land Revenue Rules as soon as the area is ordered to be granted.

4. Under these circumstances, the area of 0-5-0 out of F.S. No. 53 of Kyadgi in Siddapur taluka encroached upon may be granted on disforestment to the applicant in view of the orders contained in G.R., A & F.D. No. FDM 1054 dated 7-3-1955 subject to the following terms and conditions.

1. The tenure shall be new and impartible.
2. The grantee shall pay the penal occupancy price of Rs. 25/- as per para 7 of G.R.A & F.D. No. FDM 1054 of 7-3-1955.
3. The grantee shall pay the usual measurement fees to be charges by the Survey Department.
4. The grantee shall preserve the tree growth if any in the area till disposed of by the Forest Department.
5. The grantee shall reserve the public rights if any, in the land.
6. The area should be used only for residential purpose.
7. The grantee should pay the non-agricultural assessment fixed for the village according to the existing rules.
8. The building conditions should strictly be followed at the time of reconstruction of the present house.
9. The grantee shall execute the Kabulayat in form 'H' embodying the above mentioned additional conditions.

For breach of any of the conditions, the grant shall be liable for cancellation without any notice to the grantee.

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p.t.o.

(18)

Copy of letter No. S.105/6/443 dated 5-7-56 from the Collector of Kanara to the Secretary to Government, Agri. & Forest Dept. Bombay.

Subject: Disforestment of an area of 5 guntas out of F.S.No.53 of Kyadgi in Siddapur Taluka.

The applicant Shri Marya Bashya Naik Handimane of Kyadgi Village request for grant of an area of 5 guntas out of F.S. No. 53 of Kyadgi in Siddapur taluka on disforestment. The applicant has already encroached upon this area by constructing his residential house.

2. During the enquiry it has transpired that the applicant has expended an amount of Rs. 600/- for constructing this house and that no suitable area was available in the lands held by the applicant - encroacher for constructing his residential house (Divisional Forest Officer, Working Plan's endorsement No. C/XI/863 of 1954-55 dated 22-11-1954 at page 49). The Conservator of Forests, S.C., Belgaum has no objection to regularise the encroachment and grant the area of 5 guntas to the encroacher in view of para 3 of G.R., A & F.D. No. FDM 1054 dated 7-3-1955. He has also stated that the encroacher is a houseless person(Conservator's endorsement No. 22/364/65 of 1956-57 dated 3-4-1956 at page 99).

3. The applicant belongs to Backward Class being Namdhari by caste. The area proposed for grant is only 0-5-0 guntas and it will be a fragment if granted for agricultural purpose. The applicant does not hold any land adjoining this area so that he could resign it and to take it along with the encroached area proposed for disforestment. The area is, therefore, to be granted after disforestment as non-agricultural plot. Non-agricultural assessment will be fixed in the case under rule 81 Land Revenue Rules as soon as the area is ordered to be granted.

4. Under these circumstances, the area of 0-5-0 out of F.S. No. 53 of Kyadgi in Siddapur taluka encroached upon may be granted on disforestment to the applicant in view of the orders contained in G.R., A & F.D. No. FDM 1054 dated 7-3-1955 subject to the following terms and conditions.

1. The tenure shall be new and impartible.
2. The grantee shall pay the penal occupancy price of Rs. 25/- as per para 7 of G.R.A & F.D. No. FDM 1054 of 7-3-1955.
3. The grantee shall pay the usual measurement fees to be charges by the Survey Department.
4. The grantee shall preserve the tree growth if any in the area till disposed of by the Forest Department.
5. The grantee shall reserve the public rights if any, in the land.
6. The area should be used only for residential purpose.
7. The grantee should pay the non-agricultural assessment fixed for the village according to the existing rules.
8. The building conditions should strictly be followed at the time of reconstruction of the present house.
9. The grantee shall execute the Kabulayat in form 'H' embodying the above mentioned additional conditions.

For breach of any of the conditions, the grant shall be liable for cancellation without any notice to the grantee.

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p.t.o.

(29)

Copy of letter No. S.105/6/449 dated 25-9-56 from the Collector of Kanara to the Secretary to Government, Agri. & Forest Deptt, Bombay.

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Subject: Disforestment of an area of 5 guntas out of F.S. No. 53 of Kyedgi village in Siddapur Taluka.

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Reference: Govt. letter A & FD No. FLD 1256/74826-E dated 13th September 1956.

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In submitting herewith the case papers received under Government letter referred to above, I have to state as under:

It appears that the orders contained in Government Resolution Development Department No. 250 dated 24-11-1949 and Govt. Resolution, Revenue Department No. 6216/33 dated 6-10-1937 do not apply to cases of encroachment on forest land for which Government have issued special orders namely in Govt. Resolution, Agriculture & Forests Dept. No. FDM 1054 dated 7th March 1955. Further in para 3 of the G.R. dated 7-3-1955, Government have specifically laid down that the encroachments made for the purpose of building residential houses by houseless persons in the forest land may be regularised by a grant. In the present case, the site covering 5 guntas was already encroached upon by the applicant who is a houseless person for the purpose of residential house. Proposals for regularising the said encroachment by Government have, therefore, been submitted in view of the orders contained in Govt. Resolution, Agriculture and Forests Department No. FDM 1054 dated 7-3-1955, as explained under this office letter even number dated 5-7-1956.

As regards the levy of penal occupancy price of Rs. 25/- in this case, I have to state that para 7 of the G.R. A & F.D. No.F.D.M. 1054 dated 7-3-1955 applies both to encroachment for cultivation and also in respect of cases mentioned in para 3 of the said Government Resolution. In the present case, encroached land has been utilised for the purpose of a residential house by a houseless person and therefore, case is governed by para 3 of the said G.R. Apparently, therefore, the penal occupancy price at Rs. 5/- per gunta will have to be charged as Government have issued special orders for regularisation of encroachments of this type.

The principles laid down in G.R.R.D. No. 3297/45 dated 17-5-1950 are also not applicable to this case which is governed by the special orders of Govt. issued under G.R. A & F.D. No. F.D.M. 1054 dated 7-3-1956.

Necessary orders may, therefore, kindly be issued in this case.

"Copy"

By order

K. S. Ramachandra
Superintendent,
Forest & Animal Husbandry Branch.

rln.

14/9/57